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United States Courts
Southern District of Texas
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OCT 8 2002
Michael N. Milby, Clerk

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U.S. COURT
SOUTHERN DISTRICT
OF TEXAS

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	Crim. No. H-99-455SS
	§	
JORGE LUIS GARZA	§	

DEFENDANT'S UNOPPOSED MOTION TO OBTAIN DEFENDANT'S VOICE EXEMPLAR

TO THE HONORABLE LEE H. ROSENTHAL, UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS:

The defendant, JORGE LUIS GARZA, files this motion for Defense Expert to obtain Defendant's voice exemplar:

I.

Mr. JORGE LUIS GARZA is charged in a Six (6) Count Superseding Indictment which was filed on August 7, 2002. Count One alleges violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A) and 846, Count Two alleges violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and Title 18 United States Code, Section 2, Count Three alleges violation of Title 21, United States Code, Sections 8141(a)(1), 841(b)(1)(A), and Title 18 United States Code, Section 2, Count Four alleges violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and Title 18 United States Code, Section 2, Count Five alleges violation of Title 18, United States Code, Section 1956(a)(1)(A)(i)

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and 1956(h) and Count Six alleges violation of Title 18, United States Code, Sections 2 and 1956(a)(1)(A)(i).

II.

On August 16, 2002, the Assistant United States Attorney provided Defense Counsel with forty(40) audio tapes on calls relating to the Defendant. On August 23, 2002 the Assistant United States Attorney provided Defense Counsel with the remaining balance of three (3) audio tapes on calls relating to the Defendant. All of the audio tapes provided by the Government, as well as the relating transcripts, have been provided to the Defense Expert for analysis.

III.

On September 17, 2002 the Court granted Defendant's EXPARTE MOTION FOR EXPERT ASSISTANCE FEE IN INDIGENT CASE in which the Defense expert will conduct forensic tape analysis.

IV.

Pursuant to the Court's Docket Control Order: the Trial is set for November 12, 2002 at 9:00 a.m.

V.

The basis of this motion, **UNOPPOSED MOTION TO OBTAIN DEFENDANT'S DEFENDANT'S VOICE EXEMPLAR** is to provide a time and place for the Defense Expert to meet with Defense Counsel and the Defendant in order to obtain a voice exemplar. Therefore, Defense Counsel respectfully requests that the Court grant this motion in order for the Defense Expert to conduct his analysis, prepare his report and for Defense Counsel to review and discuss the report with the defendant and make an intelligent and informed decision as to the resolution.

WHEREFORE, PREMISES CONSIDERED, the Defendant, JORGE LUIS GARZA, respectfully requests this Court grant his motion.

Respectfully submitted,

J. A. SALINAS, III
Attorney for Defendant
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CERTIFICATE OF CONFERENCE

I, J. A. SALINAS, III certify that I have spoken with Bert Isaacs, Assistant United States Attorney and informed him that I would be filing a Motion For Continuance. Mr. Isaacs stated that he was not opposed to counsel filing or the court granting DEFENDANT'S UNOPPOSED MOTION TO OBTAIN DEFENDANT'S VOICE EXEMPLAR.

J. A. SALINAS, III

CERTIFICATE OF SERVICE

I, J. A. SALINAS, III certify that on October 8, 2002, copy of the foregoing motion for continuance was mailed to the Assistant United States Attorney, Bert Isaacs, P.O. Box 61129, Houston, Texas 77208.

J. A. SALINAS, III

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Crim. No. H-99-455 SS
	§	
JORGE LUIS GARZA	§	

ORDER

CAME on to be considered the **DEFENDANT'S UNOPPOSED MOTION TO OBTAIN DEFENDANT'S VOICE EXEMPLAR**, and having considered the same, it is hereby --

ORDERED

1) that the **DEFENDANT'S UNOPPOSED MOTION TO OBTAIN DEFENDANT'S VOICE EXEMPLAR** is:

/ / GRANTED;

/ / DENIED.

2) that the **United States Marshall will make available the Defendant, JORGE LUIS GARZA, on: October 15, 2002 at 10:00 a.m. at the U. S. Marshall's Office, Federal Courthouse, 515 Rusk, Houston, Texas,**

3) that the **United States Marshall will provide a room with a telephone in order for Defense Counsel, Defense Expert, Mr. Herbert Joe, and the Defendant to meet and obtain a voice exemplar,**

4) that the **United States Marshall will allow Defense Expert, Mr. Herbert Joe, to enter the Federal Courthouse with his necessary equipment in order to obtain the Defendant's voice exemplar.**

SIGNED at Houston, Texas on the _____ day of _______________, 2002.

____
UNITED STATES DISTRICT JUDGE